

R7-2-401. Special Education Standards for Public Agencies Providing Educational Services

- A. For the purposes of this Article, the Individuals with Disabilities Education Act Amendments of 1997 (IDEA), 20 USC 1400 et seq. as reauthorized on June 4, 1997, and the IDEA 1997 regulations, 34 CFR ~~parts~~ 300.4 through 300.756 effective March 1999, are incorporated herein by reference. Copies of the incorporated material can be obtained from the U.S. Government Printing Office, Superintendent of Documents, P.O. Box 37195-7954, Pittsburgh, PA 15250 or the Arizona Department of Education, Exceptional Student Services, 1535 West Jefferson, Phoenix, Arizona 85007. This Article does not include any later amendments or additions to IDEA or IDEA regulations.
- B. Definitions. All terms defined in the regulations for the Individuals with Disabilities Education Act (IDEA) 1997 Amendments (34 CFR ~~Parts~~ 300.4 through 300.30, and 300.504) and A.R.S. § 15-761 are applicable, with the following additions:
1. “Accommodations” means the provisions made to allow a student to access and demonstrate learning. Accommodations do not substantially change the instructional level, the content or the performance criteria, but are made in order to provide a student equal access to learning and equal opportunity to demonstrate what is known. Accommodations shall not alter the content of the curriculum or a test, or provide inappropriate assistance to the student within the context of the test.
 2. “Adaptations” means changes made to the environment, curriculum, and instruction or assessment practices in order for a student to be a successful

learner. Adaptations include accommodations and modifications.

Adaptations are based on an individual student's strengths and needs.

3. "Administrator" means the chief administrative official or designee (responsible for special education services) of a public education agency.
4. "Audiologist" means a person who specializes in the identification and prevention of hearing problems and in the non-medical rehabilitation of those who have hearing impairments and who is licensed to practice audiology according to A.R.S. Title 36, Chapter 17, Article 4.
5. "Boundaries of responsibility" means for:
 - a. A school district, the geographical area within the legally designated boundaries.
 - b. A public agency other than a school district, the population of students enrolled in a charter school or receiving educational services from a public agency.
6. "Certified school psychologist" means a person holding a certificate from the Arizona state board of education issued pursuant to 7 A.A.C. 2, Article 6, in the area of school psychology.
7. "Certified speech/language therapist" means a person holding a certificate from the Arizona state board of education issued pursuant to 7 A.A.C. 2, Article 6, and a license from the Arizona Department of Health Services as a speech/language pathologist in accordance with A.R.S. Title 36, Chapter 17, Article 4.
8. "Department" means the Arizona Department of Education.

9. “Doctor of medicine” means a person holding a license to practice medicine pursuant to Chapter 13 (medical doctor) or Chapter 17 (doctor of osteopathy) of Title 32, Arizona Revised Statutes.
10. “Exceptional Student Services Division” or “ESS” means the Exceptional Student Services Division of the Arizona Department of Education.
- ~~10.~~ 11. “Evaluator” means a qualified person in a field relevant to the child’s disability who administers specific and individualized assessment for the purpose of special education evaluation and placement.
- ~~11.~~ 12. “Full and individual evaluation” means procedures used in accordance with the IDEA to determine whether a child has a disability and the nature and extent of the special education and related services that the child needs. This evaluation includes:
- a. A review of existing information about the child; and
 - b. A decision regarding the need for additional information; and
 - c. If necessary, the collection of additional information; and
 - d. A review of all information about the child and a determination of eligibility for special education services and needs of the child.
- ~~12.~~ 13. “Independent educational evaluation” means an evaluation conducted by a qualified evaluator who is not employed by the public education agency responsible for the education of the child in question.
- ~~13.~~ 14. “Interpreter” means a person trained to translate orally or in sign language in matters pertaining to special education identification, evaluation, placement, the provision of FAPE, or assurance of procedural safeguards

for parents and students who converse in a language other than spoken English. Each student's IEP team determines the level of interpreter skill necessary for the provision of FAPE.

- ~~14.~~ 15. "Language in which the student is proficient" means all languages including sign language systems.
- ~~15.~~ 16. "Licensed psychologist" means a person holding a license from the state of Arizona board of psychologist examiners in accordance with A.R.S. Title 32, Chapter 19.1, Article 2.
- ~~16.~~ 17. "Modifications" means substantial changes in what a student is expected to learn and to demonstrate. Changes may be made in the instructional level, the content or the performance criteria. Such changes are made to provide a student with meaningful and productive learning experiences, environments, and assessments based on individual needs and abilities.
- ~~17.~~ 18. "Paraeducator" means a person employed to assist with the education of students but who is not certified to teach by the Arizona Department of Education. Alternate terms may include paraprofessional, teacher aide, instructional assistant or other similar titles.
- ~~17.~~ 19. "Private school" means any nonpublic educational institution where academic instruction is provided, including nonsectarian and parochial schools, that are not under the jurisdiction of the state or a public education agency. ~~"Private school" does not include home schools.~~

- ~~18.~~ 20. “Private special education school” means a private school that is established to serve primarily students with disabilities. The school may also serve students without disabilities.
- ~~19.~~ 21. “Psychiatrist” means a doctor of medicine who specializes in the study, diagnosis, treatment and prevention of mental disorders.
- ~~20.~~ 22. “Public education agency” or “PEA” means a school district, charter school, accommodation school, state supported institution, or other political subdivision of the state that is responsible for providing education to children with disabilities.
23. “Screening” means an informal or formal process of determining the status of a child with respect to appropriate developmental and academic norms. Screening may include observations, family interviews, review of medical, developmental, or education records, or the administration of specific instruments identified by the test publisher as appropriate for use as screening tools.
24. “Special education teacher” means a teacher holding a special education certificate from the Arizona Department of Education.
25. “Suspension” means a disciplinary removal from a child’s current placement that results in a failure to provide services to the extent necessary to enable the child to progress appropriately in the general curriculum and advance toward achieving the goals set out in the child’s IEP. The term does not include disciplinary actions or changes in placement through the IEP process if the child continues to receive the

services described above. The term does include actions such as “in-school” and “going home for the rest of the day” removals if the child does not receive the services described above.

C. Public Awareness.

1. Each public education agency shall inform the general public and all parents, within the public education agency’s boundaries of responsibility, of the availability of special education services for students aged three through 21 years and how to access those services. This includes information regarding early intervention services for children aged birth through 2 years.
2. Each public education agency is responsible for public awareness within their enrolled population (including the families of enrolled students).
3. School districts are responsible for public awareness in private schools located within their geographical boundaries.

D. Child Identification and Referral.

1. Each public education agency shall establish, implement, and disseminate to its school-based personnel and all parents, within the public education agency boundaries of responsibility, written procedures for the identification and referral of all children with disabilities, aged birth through 21, including children with disabilities attending private schools and home schools, regardless of the severity of their disability.
2. Each public education agency will require all school-based staff to review the written procedures related to child identification and referral on an

annual basis. The public education agency shall maintain documentation of staff review.

3. Procedures for child identification and referral shall meet the requirements of the IDEA and regulations, Title 15, Chapter 7, Article 4 and these rules.
4. The public education agency responsible for child identification activities is the school district in which the parents reside unless:
 - a. The student is enrolled in a charter school or public education agency that is not a school district. In that event, the charter school or public education agency is responsible for child identification activities;
 - b. The student is enrolled in a private school. In that event, the school district within whose boundaries the private school is located is responsible for child identification activities.
5. Identification (screening for possible disabilities) shall be completed within 45 calendar days after:
 - a. Entry of each preschool or kindergarten student and any student enrolling without appropriate records of screening, evaluation, and progress in school; or
 - b. Notification to the public education agency by parents of concerns regarding developmental or educational progress by their child aged three years through 21 years.
6. Screening procedures shall include vision and hearing status and consideration of the following areas: cognitive or academic,

communication, motor, social or behavioral, and adaptive development.

Screening does not include detailed individualized comprehensive evaluation procedures.

7. For a student transferring into a school; the public education agency shall review enrollment data and educational performance in the prior school. If there is a history of special education for a student not currently eligible for special education, or poor progress, the name of the student shall be submitted to the administrator for consideration of the need for a referral for a full and individual evaluation or other services.
8. If a concern about a student is identified through screening procedures or through review of records, the public education agency shall notify the parents of the student of the concern within 10 school days and inform them of the public education agency procedures to follow-up on the student's needs.
9. Each public education agency shall maintain documentation of the identification procedures utilized, the dates of entry into school or notification by parents made pursuant to subsection (~~C~~ D)(5)(~~b~~), and the dates of screening. The results shall be maintained in the student's permanent records in a location designated by the administrator. In the case of a student not enrolled, the results shall be maintained in a location designated by the administrator.
10. If the identification process indicates a possible disability, the name of the student shall be submitted to the administrator for consideration of the

need for a referral for a full and individual evaluation or other services. A parent or a student may request an evaluation of the student. If the parent of an identified student enrolled in a private school does not reside within the school district boundaries, the parent, with the assistance of the school district, shall notify the district in which the parents reside of the needs of the student and the residence school district will assume responsibility for follow-up.

11. If, after consultation with the parent, the responsible public education agency determines that a full and individual evaluation is not warranted, the public education agency shall provide ~~Prior Written Notice~~ prior written notice and ~~Procedural Safeguards Notice~~ procedural safeguards notice to the parent ~~within 60 calendar days.~~ in a timely manner.

E. Evaluation/re-evaluation.

1. Each public education agency shall establish, implement, disseminate to its school-based personnel, and make available to parents within its boundaries of responsibility, written procedures for the initial full and individual evaluation of students suspected of having a disability, and for the re-evaluation of students previously identified as being eligible for special education.
2. Procedures for the initial full and individual evaluation of children suspected of having a disability and for the re-evaluation of students with disabilities shall meet the requirements of IDEA and regulations, and state statutes and state board of education rules.

3. The initial evaluation of a child being considered for special education, or the re-evaluation per a parental request of a student already receiving special education services, shall be completed as soon as possible, but shall not exceed 60 calendar days from receipt of informed written consent. If the public education agency initiates the evaluation, the 60-day period shall commence with the date of receipt of informed written consent and shall conclude with the date of the Multidisciplinary Evaluation Team (MET) determination of eligibility. If the parent requests the evaluation and the MET concurs, the 60-day period shall commence with the date that the written parental request was received by the public education agency and shall conclude with the date of the MET determination of eligibility.
4. The 60-day evaluation period may be extended for an additional 30 days, provided it is in the best interest of the child, and the parents and PEA agree in writing to such an extension. Neither the 60 day evaluation period nor any extension shall cause a re-evaluation to exceed the timelines for a re-evaluation within three years of the previous evaluation.
4. 5. The public education agency may accept current information about the student from another state, public agency, public education agency, or independent evaluator. In such instances, the Multidisciplinary Evaluation Team shall be responsible for reviewing and approving or supplementing an evaluation to meet the requirements identified in subsections (~~D~~ E)(1) through (~~6~~ 7).

- ~~5.~~ 6. For the following disabilities, the full and individual initial evaluation shall include:
- a. Emotional disability: verification of a disorder by a psychiatrist, licensed psychologist, or a certified school psychologist.
 - b. Hearing impairment:
 - (1) An audiological evaluation by an audiologist; and
 - (2) An evaluation of communication/language proficiency.
 - c. Other health impairment: verification of a health impairment by a doctor of medicine.
 - d. Specific learning disability: a determination of whether the discrepancy between achievement and ability meet the public education agency criteria.
 - e. Orthopedic impairment: verification of the physical disability by a doctor of medicine.
 - f. Speech/language impairment: an evaluation by a certified speech/language therapist.
 - g. For students whose speech impairments appear to be limited to articulation, voice, or fluency problems, the written evaluation may be limited to:
 - (1) An audiometric screening within the past calendar year;
 - (2) A review of academic history and classroom functioning;
 - (3) An assessment of the speech problem by a speech therapist;or

(4) An assessment of the student's functional communication skills.

h. Traumatic brain injury: verification of the injury by a doctor of medicine.

i. Visual impairment: verification of a visual impairment by an ophthalmologist or optometrist.

~~6.~~ 7. The Multidisciplinary Evaluation Team shall determine, in accordance with the IDEA and regulations, whether the requirements of ~~(D E)~~ (6)(a) through (i) are required for a student's re-evaluation.

F. Individualized Education Program (IEP).

1. Each public education agency shall establish, implement, and disseminate to its school-based personnel, and make available to parents, written procedures for the development, implementation, review, and revision of IEPs.
2. Procedures for IEPs shall meet the requirements of the IDEA and regulations, and state statutes and state board of education rules.
3. Procedures shall include the incorporation of Arizona Academic Standards into the development of each IEP. IEP goals aligned with the Arizona Academic Standards shall identify the specific level within the Standard that is being addressed.
4. Each IEP of a student with a disability shall stipulate the provision of instructional or support services by a special education teacher, certified

speech/language therapist, and/or ancillary service provider(s), as appropriate.

4. ~~5.~~ Each student with a disability shall participate in the Arizona Student Assessment Program. The level at which a student will be assessed shall be documented on the student's IEP and shall be at least at the student's instructional level. The IEP shall also document instructional and assessment adaptations required by the student.
- ~~5.~~ ~~6.~~ A meeting shall be conducted to review and revise each student's IEP at least annually, or more frequently if the student's progress substantially deviates from what was anticipated. The public education agency shall provide written notice of the meeting to the parents of the student to ensure that parents have the opportunity to participate in the meeting.
- ~~6.~~ ~~7.~~ A parent or public education agency may request in writing a review of the IEP. Such review shall take place within 15 school days of the receipt of the request or at a mutually agreed upon time but not to exceed 30 school days.

G. Least Restrictive Environment.

1. Each public education agency shall establish, implement, and disseminate to its school-based personnel, and make available to parents, written procedures to ensure the delivery of special education services in the least restrictive environment as identified by IDEA and regulations, and state statutes and state board of education rules.

2. A continuum of services and supports for students with disabilities shall be available through each public education agency.
- H. Procedural Safeguards.
1. Each public education agency shall establish, implement, and disseminate to its school-based personnel and parents of students with disabilities written procedures to ensure children with disabilities and their parents are afforded the procedural safeguards required by federal statute and regulation and state statute. These procedures shall include dissemination to parents information about the public education agency's and state's dispute resolution options.
 2. In accordance with the prior written notice requirements of IDEA, prior written notice must be issued in a timely manner following a decision by a PEA to propose to initiate or change, or refuse to initiate or change, the identification, evaluation, educational placement or the provision of FAPE to the child.
- I. Confidentiality.
1. Each public education agency shall establish, implement, and disseminate to its personnel, and make available to parents, written policies and procedures to ensure the confidentiality of records and information in accordance with the IDEA, the Family Education Rights ~~to~~ and Privacy Act (FERPA) and regulations, and state statutes.
 2. Parents shall be fully informed about the requirements of IDEA 300.127, including an annual notice of the policies and procedures that the PEA

must follow regarding storage, disclosure to a 3rd party, retention, and destruction of personally identifiable information.

- ~~2.~~ 3. Upon receiving a written request, each public education agency shall forward special education records to any other public education agency in which a student is attempting to enroll. Records shall be forwarded within the time-frame specified in A.R.S. § 15-828(F). The public education agency shall also forward records to any other person or agency for which the parents have given signed consent.
- J. **Preschool Programs.** Each public education agency responsible for serving preschool children with disabilities shall establish, implement, and disseminate to its personnel, and make available to parents, written procedures for:
1. The operation of the preschool program in accordance with federal statute and regulation, and state statute;
 2. The smooth and effective transition from the Arizona Early Intervention Program (AzEIP) to a public school preschool program in accordance with the agreement between the Department of Economic Security and the Department; and
 3. The provision of a minimum of 360 minutes of instruction in a program that operates at least three days a week.
- K. **Children in Private Schools.**
- Each public education agency shall establish, implement, and disseminate to its personnel, and make available to parents, written procedures regarding the access

- to special education services to students enrolled in private schools as identified by the IDEA and regulations, and state statutes and state board of education rules.
- L. State Education Agency Responsible for General Supervision and Obligations Related to and Methods of Ensuring Services.
1. The Department is responsible for the general supervision of services to children with disabilities aged 3 through 21 served through a public education agency.
 2. The Department shall ensure through fund allocation, monitoring, dispute resolution, and technical assistance that all eligible students receive a free appropriate public education in conformance with the IDEA ~~and~~ regulations, A.R.S. Title 15, Chapter 7, Article 4, and these rules.
- M. Procedural Requirements Relating to Public Education Agency Eligibility.
1. Each public education agency shall establish eligibility for funding with the Arizona Department in accordance with the IDEA and regulations, and state statutes and with schedule and method prescribed by the Department.
 2. In the event the Department determines that a public education agency does not meet eligibility for funding requirements, the public education agency has a right to a hearing ~~before the state board of education~~ before an independent review panel of the Department before such funding is withheld.
 3. The Department may temporarily interrupt payments during any time period when a public education agency has not corrected deficiencies in

eligibility for federal funds as a result of fiscal requirements of monitoring, auditing, complaint and due process findings.

4. Each public education agency shall, on an annual basis, determine the number of children within each disability category who have been identified, located, evaluated, and/or receiving special education services. This includes children residing within the boundaries of responsibility of the public education agency who have been placed by their parents in private schools or who are home schooled.

N. Public Participation.

1. Each public education agency shall establish, implement, and disseminate to its personnel, and make available to parents, written procedures to ensure that, prior to the adoption of any policies and procedures needed to comply with federal and state statutes and regulations, there are:
 - a. Public hearings,
 - b. Notice of the hearings, and
 - c. An opportunity for comment available to the general public, including individuals with disabilities and parents of children with disabilities
2. This requirement does not pertain to day-to-day operating procedures.

O. Suspension and Expulsion.

1. Each public education agency shall establish, implement, and disseminate to its personnel, and make available to parents, written procedures for the suspension and expulsion of students with disabilities.

2. Each public education agency shall require all school-based staff involved in the disciplinary process to review the policies and procedures related to suspension and expulsion on an annual basis. The public education agency shall maintain documentation of staff review.
3. Procedures for such suspensions and expulsions shall meet the requirements of the IDEA and regulations, and state statutes.

R7-2-402. Standards for Approval of Special Education Programs in Private Schools

- A. Definitions. All terms defined in the regulations for the Individuals with Disabilities Education Act (IDEA) 1997 Amendments (34 CFR ~~parts~~ 300.4 through 300.30), A.R.S. ' 15-761, and ~~state board of education~~ State Board of Education rule A.A.C. R7-2-401 are applicable.
- B. No student may be placed by a public education agency in a private school special education school program unless the facility has been approved as meeting the standards as outlined in this rule, and the public education agency is unable to provide satisfactory education and services through its own facilities and personnel.
- C. In order for a private special education school to be approved by the Department for the purpose of contracting with a public education agency, the private facility shall:
 1. Provide special education instructional programs for students with disabilities that are at least comparable to those provided by the public schools of Arizona and meet the requirements of IDEA.

2. Provide the following documentation:
 - a. Policies and procedures based on IDEA and state statutes;
 - b. Curriculum that is aligned with the Arizona Academic Standards;
 - c. A completed application;
 - d. Copies of all teacher and related service personnel certifications and licenses; and
 - e. If applicable, a copy of North Central Accreditation.
3. Provide ~~certified~~ certificated special education teachers in each classroom to implement the IEPs of those students assigned to that classroom.
4. Provide related services to meet the needs of the students as indicated on their IEPs.
5. Provide administration personnel such as head teacher, principal, or other administrator certificated in an administrative area or experienced and ~~certified~~ certificated in the appropriate area of special education.
6. Provide an education that meets the standards that apply to education provided by the public education agency.
7. Maintain student records in accordance with the statutory requirements.
8. Accept all responsibilities concerning instructional programs to the disabled student and parent or guardian that are required of the public schools of Arizona. Ultimate responsibility for any student under contract in a private special education school rests with the public education agency contracting for the students' education.

9. Administer all required statewide assessments to those students placed in the private facility by a PEA or through the educational voucher system.
- ~~9.10.~~ Maintain adequate liability insurance.
- ~~10.11.~~ Maintain an accounting system and budget which includes the costs of operation, maintenance, transportation, and capital outlay, and which is open to review upon request.
- ~~11.12.~~ Maintain an attendance reporting system that provides public education agencies and the Department with required information.
- ~~12.13.~~ Provide notification to contracting public education agencies and the Department of any changes in staff or deletion of programs within 10 school days of the change or deletion.
14. Provide notification to the contracting PEA of any intent to discontinue, suspend, or terminate services to a student for longer than 10 days. Services to the student must be continued by the private school until an IEP meeting with the PEA is convened to determine an appropriate alternative placement. The PEA must be given up to 10 school days to arrange for the transition of the student after the IEP determination.
- ~~13.15.~~ Permit onsite evaluation of the program by the Department or its designees, and the representatives of the public education agencies.
- ~~14.16.~~ Request approval to contract with public education agencies from the Department in accordance with the prescribed procedures.

~~R7-2-403. Out-of-state private special education schools~~

~~In order for a public school district ("LEA") in Arizona to contract with an out-of-state private special education school, the following steps must be completed:~~

- ~~1. The LEA must submit to the Division of Special Education a request for approval (Form ADE 35-301) stating:~~
 - ~~a. The name of private out-of-state facility.~~
 - ~~b. The name of child for whom out-of-state special education placement is contemplated and area of exceptionality.~~
 - ~~c. An affidavit signed by the LEA authorized agent verifying that:~~
 - ~~i. The child for whom out-of-state placement is requested is diagnosed as qualifying for physically handicapped, visually handicapped, hearing handicapped, trainable mentally handicapped, seriously emotionally handicapped or multihandicapped pursuant to A.R.S. § 15-761.~~
 - ~~ii. No program exists within the LEA for the exceptionality of the specific child in the request.~~
 - ~~iii. No program can feasibly be instituted and the reason.~~
 - ~~iv. The out-of-state placement is the least expensive adequate alternative.~~
 - ~~d. Subject to R7-2-401(A)(2), the Division of Special Education shall approve all out-of-state special education placements after verification that:~~

- ~~i. No special education services exist in the state which are appropriate for the specific handicapped child.~~
 - ~~ii. The out-of-state placement is the least expensive adequate alternative available to the LEA.~~
- ~~2. Records in the Division of Special Education must indicate that the out-of-state private special education school is approved by the State Department of Education in the state in which it is located to educate handicapped children in the category requested.~~
- ~~3. Approval by the Division of Special Education is issued only for individual children and for one school year if the conditions in this Section have been met.~~

R7-2-404. Special education voucher program policies and procedures

A. Institutional vouchers. ~~An educational evaluation will determine the eligibility for special education institutional voucher funding for students residing in and attending special education programs in 1 of the SSI's, or those residing in an SSI and attending an LEA special education program.~~ Students residing and attending special education programs at the Arizona Schools for the Deaf and the Blind (ASDB) or the Arizona State Hospital (ASH) or students attending special education day programs provided by ASDB may be eligible for special education institutional voucher funding.

1. Eligibility criteria

- ~~a. Those eligible for a special education institutional voucher are~~

- ~~i. Students, ages 5-21, who reside in, and attend special education programs at 1 of the Arizona training programs for the mentally retarded at Coolidge, Phoenix, and Tucson, or Arizona State School for the Deaf and the Blind, or who attends day school programs within 1 of the 4 institutions (institution submits voucher application).~~
- ~~ii. Students, ages 5-21, who reside in 1 of the 4 SSI's and attend an LEA special education program (LEA submits voucher application).~~
- ~~b. Those not eligible for a special education institutional voucher are:~~
 - ~~i. Students who do not reside in 1 of the training programs or Arizona State School for the Deaf and the Blind, or who do not attend a day school program within these institutions.~~
 - ~~ii. Students placed in group homes by the Department of Economic Security/Bureau of Mental Retardation. These students are eligible for certificates of educational convenience if the child's parents are not legal residents of the LEA in which the group home is located.~~
- a. Student shall be between the ages of 3 and 22 years.
- b. Student shall have a recognized disability as documented by a current educational evaluation. Evaluations shall be completed by the institution or the student's home school district (HSD), as determined by a multidisciplinary evaluation team (MET).

- c. Student shall have a current individualized education program (IEP) identifying the placement as the most appropriate and least restrictive educational environment.
- ~~2. Evaluations. All educational evaluations are to be conducted by the SSI of residence or the LEA making application for the institutional voucher. The evaluation must be submitted with the application for special education institutional voucher. No voucher application can be processed without accompanying evaluative materials.~~
- 2. Institutional voucher application/approval
 - ~~a. The application for special education institutional voucher (ADE 35-108) is completed by the SSI or the LEA and is forwarded, along with the educational evaluation, to the Division of Special Education, Department of Education. The SSI or LEA must provide all student information requested on the institutional voucher application.~~
 - ~~b. Following receipt of the application and evaluative material by the Division of Special Education, the materials are reviewed. After approval/disapproval of the institutional voucher application has been determined, the application is signed by the Director of Program Services, Division of Special Education, and notification is sent to the SSI or LEA providing the special education program. Institutional voucher payment will not be made for attendance prior to voucher approval date.~~
 - c. A student identification number is assigned by the Division of Special Education to each approved institutional voucher student and this number will

~~be used by the SSI or LEA when completing the claim for payment form (ADE 35-109) and the special education census form (ADE 35-102).~~

~~d. The institutional voucher application procedure must be repeated each school year. If a student is transferred from 1 SSI educational program to another during any school year, or if a student transfers from an SSI program to a special education program in an LEA, a 2nd institutional voucher must be submitted to the Division of Special Education.~~

~~e. Evaluations and reevaluations to determine continued placement of children receiving institutional voucher funds will be conducted by the SSI or the LEA making application for the institutional voucher.~~

a. Applications for special education institutional vouchers shall be completed by the institution and submitted to the Exceptional Student Services Division of the Department of Education. The institution shall provide all student information requested on the institutional voucher application.

b. Institutions shall sign a Statement of Assurance guaranteeing their maintenance of and ability to produce all supporting documentation for each application.

c. Institutional voucher applications shall be reviewed and approved or disapproved by the voucher unit manager. Applications that are disapproved may be corrected and resubmitted. Institutional voucher payments will not be made for student attendance prior to voucher approval date.

- d. Voucher identification numbers shall be assigned for each new student approval, and shall be used by the institution to complete claims for payment and the special education census form.
- e. Institutional vouchers are approved for the current year only; therefore the application process shall be repeated each school year for each student.
- f. Institutions shall report any changes in student status, including withdrawals, transfers, current evaluation dates and changes in disability categories to the Exceptional Student Services Division of the Department of Education. Changes shall be submitted within ten days of the occurrence.

~~4. Student withdrawal~~

- ~~a. When an approved special education institutional voucher student is withdrawn or terminated from the SSI or LEA named on the approved institutional voucher application, a notice of student withdrawal (ADE 35-110) must be completed by the facility and forwarded to the Division of Special Education so the withdrawal/termination may be recorded.~~
- ~~b. This withdrawal procedure pertains to students withdrawn from programs and to those transferred from the SSI special education program to another SSI or to an LEA special education program.~~

3. Institutional voucher claim for payment

- ~~a. The special education institutional voucher claim for payment form (ADE 35-109) is completed at the end of each calendar month by the SSI or LEA providing special education services, showing names of approved institutional~~

~~voucher students, assigned student identification numbers, entry dates, withdrawal dates when applicable, and monthly charges.~~

- ~~b. The claim for payment forms are signed by the SSI or LEA administrator and returned to the Division of Special Education for processing by the Division of Business and Finance.~~
 - a. The special education institutional voucher claim for payment form shall be completed by the institution at the end of each calendar month. The claim shall be submitted in accordance with procedures established by the School Finance Division of the Department of Education.~~include service site, approved student names, assigned identification numbers and entry and withdrawal dates when applicable.~~
 - b. Claims for payment forms shall be signed by the institution's administrator and submitted to the School Finance Division of the Department of Education.
4. Special education census
- a. All institutional voucher students shall be reported on the special education census ~~form~~ in accordance with procedures established by the School Finance Division of the Department of Education. ~~(ADE 35-102). Instructions found on the back of the form shall be followed, with the following exceptions:~~
 - i. ~~The student number to be used for institutional voucher students when entering their names on the census form is the student identification number assigned to approved voucher applications.~~
 - ii. ~~SSI's will leave column 9 (district of residence) blank.~~

~~iii. LEA's will place in column 9 (district of residence) the following county-type district number assigned to the state institution where the student resides:~~

~~Arizona State School for the Deaf and the Blind: 00-12-03~~

~~Arizona Training Program at Coolidge: 00-12-04~~

~~Arizona Training Program at Tucson: 00-12-05~~

~~Arizona Training Program at Phoenix: 00-12-06~~

5. Review of placement

- ~~a. The application process must be implemented in the summer for each student expected to continue in approved educational placement at the beginning of the next school year. Just as submission of an institutional voucher application is an annual event, so too is review of placement to determine continued eligibility for the institutional voucher. In most cases this will not involve actual testing, but rather a record review, supplementary testing, or review of educational progress. The responsibility for the summer review of placement rests with the SSI or LEA making application for the institutional voucher. Voucher students must have their progress reviewed at least once each semester by LEA staff.~~

- a. It is the responsibility of the HSD to review student progress at least once a semester.
- b. The IEP may be completed by the institution but is ultimately the responsibility of the student's HSD to ensure that it is reviewed and revised annually.

- c. It is the responsibility of the HSD to ensure that reevaluations are conducted on a tri-annual basis or more frequently as needed.

~~B. Permanent vouchers. Children placed by the Department of Economic Security, the Juvenile Courts, or the Department of Corrections in private residential treatment facilities for purposes of special education must be educationally evaluated to determine their eligibility for a permanent special education voucher in the facility in which he/she is to be placed.~~

Residential vouchers: Students placed in private residential treatment facilities (PRF) may be eligible for residential voucher funding for the educational portion of the placement.

1. Eligibility

~~a. Those eligible for permanent special education vouchers are:~~

- ~~i. Children, ages 5-21, who are to be placed in private residential facilities by the Department of Economic Security, the Juvenile Courts, or Department of Corrections.~~
- ~~ii. Children suspected of or having been confirmed to have a handicapping condition requiring special education and related services.~~
- ~~iii. Children anticipated to be attending special education programs in such facilities as are approved by the Division of Special Education and licensed as a residential treatment facility by the DES.~~

~~b. Those not eligible for permanent special education vouchers are:~~

- ~~i. Children placed by the Bureau of Indian Affairs in private residential facilities approved as a private special education school.~~

- ~~ii. Children placed and funded by Champus.~~
- ~~iii. Children privately placed in private special education facilities.~~
- ~~iv. Children who reside in private residential treatment facilities but attend any type of public school program.~~
- ~~v. Children attending special education programs in private facilities which are not approved by the Division of Special Education.~~
- ~~vi. Children attending a regular education program in private or public schools.~~
- ~~c. All children must be evaluated by the placing agency as provided in these rules.~~

1. Eligibility Criteria

- a. Students shall be enrolled in and eligible for educational services from a Public Education Agency (PEA).
- b. Placement shall be made by one of the State Placing Agencies. They are the Department of Economic Security (DES), the Department of Health Services (DHS), the Administrative Office of the Courts (AOC), or the Department of Juvenile Corrections (ADJC).
- c. Residential facilities shall be licensed by the Department of Health Services or Department of Economic Security and approved by the Department of Education for the specific educational needs of each student placed there.
- d. The following conditions invalidate eligibility:
 - i. Placement by any agency other than those noted in (1) (b) including but not limited to the Bureau of Indian Affairs, a tribe not under

contract with DHS, Arizona Health Care Cost Containment System (AHCCCS), private insurance, or parents.

- ii. Placement in facilities not appropriately licensed by DHS or DES or approved by the Department of Education.
- iii. Student attendance at a PEA while residing in a residential facility.

e. Eligible students are divided into three categories:

- i. Non-special education (NSE): Students not eligible for special education services who are placed by a State Placing Agency for their care, safety, or treatment..
- ii. Care special education (CSE): Students eligible for special education services who are placed by a State Placing Agency for their care, safety, or treatment..
- iii. Residential special education (RSE): Students requiring residential placement to benefit from educational programming who are placed by an IEP team. .

2. Voucher application/approval

- a. ~~Upon receipt of the educational evaluation report, the referral agent (Department of Economic Security, Juvenile Courts or Department of Corrections) determines from the educational diagnosis the most appropriate special education and residential placement for the child. The private facility must be approved by the Division of Special Education. Twice annually each placing agency is sent an updated list of these approved private facilities.~~

- ~~b. An application for permanent special education voucher (ADE 35-103) is completed by the placing agent and forwarded to the Division of Special Education. The placing agent must provide all student information required by this form.~~
- ~~c. Upon receipt of the 4 components contained in each child's voucher application packet (referral form, evaluation, evaluation summary sheet, and voucher application), a review is conducted by the Division of Special Education to determine if the designated special education placement is appropriate.~~
- ~~d. After approval/disapproval of the voucher application has been determined, the application is signed by the Director of Program Services, Division of Special Education, and notification is sent to the placing agent and to the private facility. Voucher payment will not be made for attendance prior to voucher approval date.~~
- ~~e. A student identification number is assigned by the Division of Special Education to each approved voucher student and this number will be used by the private facility when completing the special education census form (ADE 35-102) and the claim for payment form (ADE 35-105).~~
- ~~f. The voucher application procedure must be repeated each school year. If a student is transferred from 1 approved private facility to another during any school year, a 2nd voucher application must be submitted to the Division of Special Education.~~
- ~~g. As special education vouchers are approved by the Division of Special Education, a copy of the approval memo will be sent to the student's school~~

~~district of residence. The district of residence for children placed by state agencies is the district in which the private school is located.~~

~~h. Voucher students must have their progress reviewed at least once each semester by LEA staff to see which are eligible to attend LEA educational programs. Evaluations and reevaluations to determine continued placement will be conducted by evaluators approved by the Department of Economic Security, and the LEA is responsible only for the reviews of progress.~~

2. Voucher application/approval process. The process differs depending on category.

a. NSE and CSE options:

- i. When a placement decision is reached, the State Placing Agency (SPA) shall complete a SPA Application for Voucher Funding, and forward a copy to the student's Home School District (HSD) for appropriate signatures within five days of placement.
- ii. Upon placement, copies of the completed voucher shall be provided to the PRF and the Exceptional Student Services of the Department of Education (ESS).
- iii. Upon receipt and review of the application and verification of facility approval, the SPA application will be approved for the initial 60 days of placement. An approval memo is sent to the PRF and the HSD. The Exceptional Student Services shall assign a student identification number to each approved voucher student. This number shall be used by the private facility when completing the special education census form and the claim for payment form.

- iv. The HSD shall submit the HSD Application for Education Voucher Funding packet and submit it to the Exceptional Student Services of the Department of Education. Appropriate documentation of eligibility for special education and provision of services, if applicable, shall be included.
- v. The HSD voucher application packet shall be reviewed and approved or disapproved by the voucher unit manager. Applications that are disapproved may be corrected and resubmitted. Approvals are granted from the date of receipt through the end of the school year. . An approval memo is sent to the PRF and the HSD.
- vi. If the HSD cannot complete the requirements for the HSD application packet within the initial 60-day approval period, they shall submit an Application For Extension Of Education Voucher Funding.

b. RSE option:

The HSD shall follow statutory requirements and procedures agreed upon by the ADE, DHS, and DES when considering placement in a PRF for educational reasons. If a need for such a placement is determined, the HSD shall complete and submit the HSD Application for Education Voucher Funding packet to the ESS. Documentation of the necessity for PRF placement, measurable exit criteria, and a reintegration plan shall be required.

3. ~~Student withdrawal~~

- ~~a. Whenever an approved special education voucher student is withdrawn from the facility named on the approved voucher application, a notice of student withdrawal (ADE 35-106) must be completed by the private facility and forwarded to the placing agent for signature verifying entry and withdrawal dates.~~
 - ~~b. The placing agent will return the withdrawal form to the Division of Special Education so the withdrawal may be recorded. These withdrawal procedures pertain to students dropped from programs and to those transferred from 1 approved private facility to another by the placing agency.~~
3. Changes in placement/Discharge:
- a. If a student is discharged or is absent without leave for more than ten days from the PRF; the facility shall notify the State Placing Agency, Home School District and the Exceptional Student Services Division of the Department of Education in writing within 5 days.
 - b. Students returning to a facility after a discharge or students transferred from one facility to another require a new SPA voucher application.
 - c. Students placed under the RSE option shall not be discharged without the consent of the IEP team.

4. Voucher claim for payment

- ~~a. The special education voucher claim for payment form (ADE 35-105) is completed at the end of each calendar month by the private facility, showing the names of approved voucher students, assigned I.D. numbers, entry dates,~~

~~withdrawal dates when applicable, and tuition amounts. which includes the names of approved voucher students, assigned I.D. numbers, entry dates, withdrawal dates (when applicable), and tuition amounts, shall be completed at the end of each calendar month by the private facility.~~ A special education voucher claim for payment shall be submitted in accordance with procedures established by the School Finance Division of the Department of Education,

- b. ~~These claim forms are signed by the school administrator and returned to the Division of Special Education Exceptional Student Services for processing by the Division of Business and Finance.~~ Claim for payment shall be submitted to the School Finance Division of the Department of Education.

5. Special education census

- a. A special education census form (~~ADE 35-102~~) shall be completed for all voucher students in accordance with procedures established by the School Finance Division of the Department of Education. ~~Instructions are found on the back of the census form, but there are 2 exceptions pertaining to voucher students:~~
 - i. ~~The student number to be used on the census form is the student I.D. number that appears on the approved voucher application.~~
 - ii. ~~Do not use the county type district numbers of the LEA in which you are located for column 9 (district of residence). Use the following information in completing column 9:~~

~~If the 1st 2 digits Place these num-~~

of student I.D. bers in column 9
number are (district of
residence):

city/type/dist

10.....00 31 10

20.....00 31 20

30.....00 31 30

6. ~~Reevaluation. The process outlined in (B)(1) and (2) must be implemented in the summer for each child expected to continue in his/her approved educational placement at the beginning of the next school year. Just as submission of a voucher application is an annual event, so too is reevaluation to determine continued eligibility for the voucher. In most cases this will not involve actual testing but rather a record review, interview, or supplementary assessment.~~

6. Review and continuation of placement:

- a. The Home School District (HSD) shall regularly monitor the progress of students, ensure the annual review and revision of IEPs, and complete 3-year reevaluations as applicable.
- b. Voucher approval is for one school year only. Students remaining in an PRF from the end of one school year to the beginning of the next year require new voucher applications. Prior to the beginning of the new school year, the PRF shall submit an Application for Continuing Voucher funding, signed by both the SPA and the HSD. For a student who is eligible for special education services, a current IEP shall accompany the continuing application if the IEP has been reviewed or revised after the original voucher was approved.

R7-2-405. Due Process Standards Relating to Special Education

No change.

R7-2-408. Extended School Year Programs for Children with Disabilities

A. “Extended school year” (ESY) shall be as defined in A.R.S. § 15-881.

~~B. Eligibility. Eligibility shall be determined by the Individualized Education Program (IEP) Team. Criteria for determining eligibility in an extended school year program shall be:~~

- ~~1. Regression-recoupment factors;~~
- ~~2. Critical learning stages;~~
- ~~3. Least restrictive environment considerations;~~
- ~~4. Teacher and parent interviews and recommendations;~~
- ~~5. Data based observations of the pupil;~~
- ~~6. Considerations of the pupils’ previous history; and~~
- ~~7. Parental skills and abilities.~~

B. Eligibility. Eligibility shall be determined by the Individualized Education Program (IEP) Team. Criteria for determining eligibility in an extended school year program shall be as defined in A.R.S. § 15-881.

~~C. The extended school year program is not compulsory and is not required for all students with a disability.~~

C. For a student with a disability currently enrolled in special education, eligibility for ESY services shall be determined no later than 45 calendar days prior to the last day of the school year.

D. The availability of an extended school year program is required for all students for whom the IEP team has determined that it is necessary in order to ensure a free appropriate public education. Student participation in an ESY program is not compulsory. ESY services are not required for all students with a disability.

~~D.~~ E. Factors that are inappropriate for consideration. Eligibility for participation shall not be based on need or desire for any of the following:

1. A day care or respite care service for students with a disability;
2. A program to maximize the academic potential of a student with a disability; and
3. A summer recreation program for students with a disability.